

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:00CR002
) (formally 8:00CR002)
v.)
)
CHARLES HACKENDAHL,) **MEMORANDUM
AND ORDER**
)
Defendant.)

On September 3, 2008, I held a telephone hearing regarding this case. Present by telephone were Charles Hackendahl, the defendant, Jeff Thomas, an Assistant Federal Public Defender, Doug Semisch, an Assistant United States Attorney, Mike Tolley, a United States Probation Officer, and Christine Nemeti, a representative of the Bureau of Prisons. The matter for consideration was the Certificate of Conditional Release and related information submitted by Marty C. Anderson, Warden, United States Medical Center for Federal Prisoners, Springfield, Missouri. (Filing 59 at CM/ECF p. 2.)

We discussed the matter including the conditions of release proposed by the Bureau of Prisons. (Filing 62 at CM/ECF p. 62.) Everyone except Mr. Semisch agreed that Mr. Hackendahl should be released subject to conditions. Despite his objection, Mr. Semisch had no evidence to present in opposition to the release.

I questioned Mr. Hackendahl and he agreed to abide by the conditions of release. Ms. Nemeti assured me that the Bureau of Prisons would see to the safe and secure transport of Mr. Hackendahl to the facility in Omaha. Given the expert opinion of the Bureau of Prisons, and the willingness of the U.S. Probation Officer to supervise Mr. Hackendahl, I overruled Mr. Semisch's objection.

Therefore,

IT IS ORDERED that:

1. Pursuant to 18 U.S.C. § 4243(f)(2), the defendant is conditionally released subject to the terms of this order.
2. The terms of this conditional release are as follows:
 - A. During his conditional release, Mr. Hackendahl will be supervised by the U.S. Probation Officer assigned to this case.
 - B. Upon release from USMCFP Springfield, Mr. Hackendahl will reside at Golden Manor, 3853 Decatur Street, Omaha, Nebraska 68111.
 - C. If Mr. Hackendahl should need to change residences while on supervision, it must be approved by the U.S. Probation Officer and be a facility that is capable of monitoring Mr. Hackendahl's medication compliance.
 - D. He may not possess any weapons or firearms, and he must refrain from the use of illegal substances, alcohol, and not abuse prescription medications, while on supervision.
 - E. Mr. Hackendahl will comply with the standard conditions of supervision, and any other conditions as adopted by the U.S. Probation Office for the District of Nebraska.

- F. Mr. Hackendahl will voluntarily participate in inpatient, and or outpatient, mental health treatment as directed by the U.S. Probation Officer.
- G. Mr. Hackendahl will voluntarily take all prescribed psychotropic medications, and will voluntarily take intramuscular injections of his psychotropic medications, as prescribed by his treating physician.
- H. Mr. Hackendahl will voluntarily release all psychiatric and medical records, and conformation to the U.S. Probation Officer, and to all treating medical and psychiatric personnel, as directed by the U.S. Probation Officer.
- I. If deemed necessary by the supervising U.S. Probation Officer, Mr. Hackendahl will participate in substance abuse testing and treatment at the direction of the U.S. Probation Officer.
- J. Upon the recommendation of the medical provider, or U.S. Probation Officer, Mr. Hackendahl will voluntarily admit himself into a hospital or treatment. If he refuses, involuntary procedures may be implemented.

3. Pursuant to 18 U.S.C. § 4243(g), the conditional release of the defendant may be revoked if the defendant fails to abide by the conditions of release.
4. My chambers shall fax a copy of this memorandum and order to Ms. Nemeti at 417-874-1633.
5. The Clerk of the Court shall mail a certified copy of this memorandum and order to the following:

Marty C. Anderson
Warden
U.S. Department of Justice
Federal Bureau of Prisons
U.S. Medical Center for Federal Prisoners
P. O. Box 4000
Springfield, MO 65801-4000

6. The Clerk of the Court shall also provide a copy of this memorandum and order to Mr. Thomas, Mr. Semisch, and Mr. Tolley.

September 4, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge